

INTERVENTION
ORIGINAL
RECEIVED



18

1 John R. Dacey #004962

2 Alicia M. Corbett #021722

3 GAMMAGE & BURNHAM 2004 DEC 21 P 3: 24

4 A PROFESSIONAL LIMITED LIABILITY COMPANY

5 ATTORNEYS AT LAW

6 TWO NORTH CENTRAL AVENUE

7 18TH FLOOR

8 PHOENIX, AZ 85004

9 TELEPHONE (602) 256-0566

AZ CORP COMMISSION
DOCUMENT CONTROL

10 Attorneys for Maricopa Water District

11 **BEFORE THE ARIZONA POWER PLANT**
12 **AND TRANSMISSION LINE SITING COMMITTEE**

13 IN THE MATTER OF THE APPLICATION
14 OF ARIZONA PUBLIC SERVICE
15 COMPANY IN CONFORMANCE WITH
16 THE REQUIREMENTS OF ARIZONA
17 REVISED STATUTES SECTION 40-360, et
18 seq. FOR A CERTIFICATE OF
19 ENVIRONMENTAL COMPATIBILITY
20 AUTHORIZING THE WEST VALLEY
21 NORTH 230KV TRANSMISSION LINE
22 PROJECT, INCLUDING THE
23 CONSTRUCTION OF APPROXIMATELY
24 25 MILES OF 230 KV TRANSMISSION
25 LINES AND TWO SUBSTATIONS IN
26 MARICOPA COUNTY, ARIZONA,
ORIGINATING AT THE TS2
SUBSTATION IN SECTION 25
TOWNSHIP 3 NORTH, RANGE 2 WEST,
G&SRB&M AND CONTINUING TO THE
PROPOSED TS1 SUBSTATION IN
SECTION 20, TOWNSHIP 4 NORTH,
RANGE 2 WEST, G&SRB&M AND
TERMINATING AT THE PROPOSED TS5
SUBSTATION IN SECTION 29,
TOWNSHIP 4 NORTH, RANGE 4 WEST,
G&SRB&M

Docket No.: L00000D-04-0127

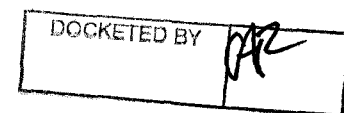
Case No. 127

**NOTICE OF INTENT TO BE A
PARTY**

Arizona Corporation Commission

DOCKETED

DEC 21 2004



23 Pursuant to A.R.S. §40-360.05 and A.A.C. R14-3-204, Maricopa Water District
24 ("MWD"), by its undersigned counsel, provides notice of its intent to be a party in this
25 proceeding.
26

1 MWD was organized as an irrigation district in 1925 to reclaim land for
2 agricultural purposes in the West Valley through construction of canals and irrigation
3 systems. A.R.S. §§ 48-2901 *et seq.* MWD is a "municipal corporation for all purposes."
4 A.R.S. § 48-2901. MWD's boundaries are irregular, but generally run from Reems Road
5 in the east to Perryville Road in the west, and from McDowell Road in the south to Grand
6 Avenue in the north.

7 MWD includes approximately 40,000 acres within its boundaries. All land
8 within the boundaries of the District is owned by members of the District or the District
9 itself. Approximately 2700 acres are owned by the District and are held for the benefit of
10 the members. MWD owns and operates the Beardsley Canal (the "Canal") to supply
11 water for irrigation to members' lands. The land adjacent to the Canal is necessary for the
12 operation and maintenance of the Canal.

13 As the Committee knows from the West Valley-South line siting (Case No.
14 122), MWD objects to placement of any lines along or over the Canal. From a legal
15 standpoint, Arizona Public Service Company ("APS") may not condemn MWD's
16 property. From a practical standpoint, placement of transmission lines over or adjacent to
17 the Canal would interfere significantly with MWD's control and operation of the Canal
18 and its associated property corridor.

19 MWD has reviewed the various options contained in the Application for a
20 Certificate of Environmental Compatibility, filed by APS, and will support the preferred
21 alignment at the upcoming hearing. The preferred alignment will cross the Canal near
22 Cactus Road, and MWD will permit this crossing of the Canal. However, MWD is not
23 waiving its right to object to any other crossings of the Canal, or to object to running lines
24 along the Canal.

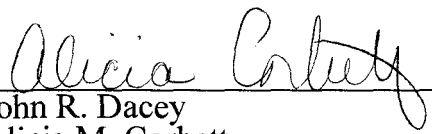
25 At the upcoming hearing, MWD also will oppose the North-South
26 Alternative Option 2 – the Bearsley Canal/McMicken Dam alternative, as this option will

1 directly and adversely impact MWD's plans for the Canal and the land adjacent to the
2 Canal.

3 MWD will request at the proceeding that the Arizona Power Plant and
4 Transmission Line Siting Committee grant a Certificate of Environmental Compatibility
5 for the preferred alignment.

6 DATED this 21st day of December, 2004.

7 GAMMAGE & BURNHAM P.L.C.

8
9 By 
10 John R. Dacey
11 Alicia M. Corbett
12 Two North Central Avenue, 18th Floor
13 Phoenix, Arizona 85004
14 Attorneys for Miller Holdings, Inc.

15 ORIGINAL + 25 copies filed this 21st day of
16 December, 2004 with:

17
18 Arizona Corporation Commission
19 Utilities Division – Docket Control
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 COPIES of the foregoing mailed this 21st day of
23 December, 2004 to:

24 Laurie Woodall, Chairman
25 AZ Power Plant & Transmission Line Siting
26 Committee
Office of the Attorney General
1275 W. Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson, Director of Utilities
Arizona Corporation Commission
Utilities Division
1200 West Washington Street
Phoenix, Arizona 85007

1 Lisa A. Vandenberg, Esq.
2 Legal Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, AZ 85007

6 Thomas H. Campbell, Esq.
7 Lewis & Roca, LLP
8 40 N. Central Ave.
9 Phoenix, AZ 85004-4429

10 C. David Martinez, Esq.
11 Pinnacle West Capital Corp. Law Department
12 400 N. Fifth St.
13 P.O. Box 53999, MS 8695
14 Phoenix, AZ 85004-3992

